

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOLBERTO GONZALEZ,

Defendant.

2:10-CR-472-RCJ-(GWF)

AMENDED PROPOSED FINAL ORDER OF FORFEITURE

On June 27, 2011, the United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), based upon the plea of guilty by defendant NOLBERTO GONZALEZ to a criminal offense, forfeiting specific property alleged in the Criminal Indictment and agreed to in the Plea Memorandum and shown by the United States to have the requisite nexus to the offense to which defendant NOLBERTO GONZALEZ pled guilty. Criminal Indictment, ECF No. 1; Plea Memorandum, ECF No. 22; Preliminary Order of Forfeiture, ECF No. 25.

This Court finds the United States of America published the notice of the forfeiture in accordance with the law via the official government internet forfeiture site, www.forfeiture.gov, consecutively from July 1, 2011, through July 30, 2011, notifying all third parties of their right to petition the Court. Notice of Filing Proof of Publication, ECF No. 26.

...

1 On November 19, 2012, the United States filed its Notice with the attached Declaration of
2 Due Diligence in Service of Process, by Special Agent Peter Lazaro.

3 In his Declaration, Special Agent Lazaro outlines the multiple steps he took in order to locate
4 and serve potential claimant Claudia Beltran with a copy of the Preliminary Order of Forfeiture.
5 Special Agent Lazaro was not able to locate Ms. Beltran and believes that she is a fugitive from
6 justice.

7 Based upon the statements contained in that Declaration, this Court finds that the United
8 States has exercised due diligence in attempting to locate Claudia Beltran for purposes of service
9 under 21 U.S.C. § 853(n).

10 This Court finds no petition was filed herein by or on behalf of any person or entity and the
11 time for filing such petitions and claims has expired.

12 This Court finds no petitions are pending with regard to the assets named herein and the time
13 for presenting such petitions has expired.

14 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,
15 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the
16 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.
17 32.2(c)(2); Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section
18 2461(c), and shall be disposed of according to law:

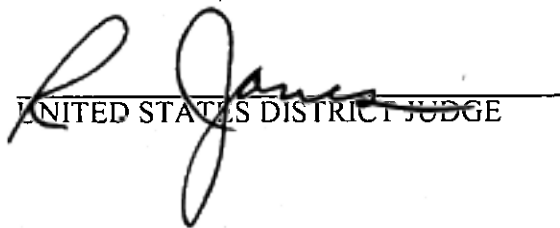
- 19 1) a Beretta 9mm handgun, serial number BER479568;
20 2) a F.E.G. model P9R, 9mm semi-automatic handgun, serial number R67232; and
21 3) any and all ammunition ("property").

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any and all forfeited
23 funds, including but not limited to, currency, currency equivalents, certificates of deposit, as well as
24 any income derived as a result of the United States of America's management of any property forfeited
25 herein, and the proceeds from the sale of any forfeited property shall be disposed of according to law.

26 ...

1 The Clerk is hereby directed to send copies of this Order to all counsel of record and three
2 certified copies to the United States Attorney's Office.

3 Dated this 10th day of December, 2012.

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6  UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I, Elizabeth Baechler-Warren, Forfeiture Support Associate Paralegal, certify that the following individual was served with a copy of the foregoing on November 19, 2012, by the below identified method of service:

CM/ECF:

Jason F. Carr
Federal Public Defender
411 E Bonneville Suite 250
Las Vegas, NV 89101
Email: ECF_Vegas@FD.ORG
Counsel for Defendant Nolberto Gonzalez

/s/ Elizabeth Baechler-Warren
Elizabeth Baechler-Warren
Forfeiture Support Associate Paralegal